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UNCLAS HARARE 001192

SIPDIS

DEPT FOR AF/PD (COX AND ROBERTSON), AF/S (KRAFT AND SCHLACHTER), AF/RA (DIPALMA), NSC FOR JENDAYI FRAZER

LONDON FOR GURNEY

PARIS FOR BISA WILLIAMS

NAIROBI FOR PFLAUMER

E.O. 12958: N/A

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SUBJECT: JOURNALISTS FACE CHARGES AS SUPREME COURT SAYS
CONSTITUTIONAL CHALLENGE NOT URGENT

1. On May 16 the Zimbabwe Supreme Court ruled that a suit challenging the constitutionality of the Access to Information and Protection of Privacy Act (AIPPA) is not urgent. This means that the Supreme Court will not take immediate action on the suit, and the journalists such as US citizen Andrew Meldrum will face AIPPA-related criminal proceedings before the constitutionality of the Act is decided.
2. On May 8 three journalists working in Zimbabwe for international media organizations -- Andrew Meldrum, Jan Raath, and Peta Thornycroft -- filed a constitutional challenge to sections of the AIPPA. Relying in part on testimony from Information Minister Jonathan Moyo, the Supreme Court ruled that the journalists' ability to report was not immediately threatened and that, therefore, there was no urgency to the case. The Supreme Court will hear the case sometime later in 2002.
3. Andrew Meldrum, meanwhile, will appear in court on May 22 to answer charges that he violated Section 80.1.B of AIPPA ("abusing journalistic privilege by publishing falsehoods") when he filed a story alleging that a woman had been beheaded by ruling party supporters. "Daily News" reporter Lloyd Mudiwa will also appear in court on May 22, facing the same charge.
4. Three journalists from the independent weekly "Standard" -- editor Bornwell Chakaodza and reporters Fungayi Kanyuchi and Farai Mutsaka -- will appear in court on June 3 to face charges that they also violated AIPPA. These three journalists were arrested on May 16, charged with "publishing falsehoods," and released on May 17 on Z\$10,000 each. Their arrests came in the wake of articles in the "Standard" about the government's purchase of riot-control vehicles and alleging instances of corruption within the police force.
5. Zimbabwean reporters and editors, increasingly under threat of being arrested and jailed for violating AIPPA, take little comfort in the Supreme Court's determination that journalists' ability to report is not immediately threatened.

SULLIVAN